

N.D.A.G. Letter to Kringlie (Oct. 13, 1988)

October 13, 1988

Mr. A. Roger Kringlie
City of Northwood
Northwood, ND 58267

Dear Mr. Kringlie:

Thank you for your letter of October 7, 1988, inquiring whether a specific city ward may have more than one voting place. I assume that you are writing as the city attorney for Northwood.

In your letter, you indicate your interpretation of N.D.C.C. § 16.1-04-02(1) to restrict the city and county governing bodies in the designation of a single polling place for each precinct. I am in agreement with that interpretation of that statute. This statute states that the appropriate governing body shall designate "a voting place for each precinct" (emphasis supplied). Also, multiple voting places for each precinct would probably lead to confusion and possible voter fraud where persons may attempt to vote in more than one voting place within the same precinct.

However, a city is able to divide a ward into more than one precinct for voting purposes. N.D.C.C. § 40-21-09. Where a ward is divided into more than one precinct for voting purposes, that division applies to all state, county, and city elections.

Thus, I agree with your conclusion that N.D.C.C. § 16.1-04-2(1) restricts the governing body of a city to the establishment of a single voting place for each precinct. However, N.D.C.C. § 40-21-09 allows that city governing body to divide a ward into more than one precinct for voting purposes. A division of a ward into additional voting precincts applies for all state, county, and city elections.

I hope this information is helpful to you.

Sincerely,

Nicholas J. Spaeth

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